

Supporting PSB 90

Good Afternoon Senator Harris, Representative Ritter and distinguished members of the Public Health Committee. My name is Dave MacDonald, from Windsor Locks and I am testifying in support of PSB 90.

On November 20, 2000, I went to chiropractor because I had lower back pain. At the end of the appointment she did a neck adjustment!!! That was at 9:30 AM and I went back to work. By 7:30 that night, I was dizzy, nauseous and had such a severe headache that I thought that I was dying. I called my wife to let her know what was happening and tell her that I loved her. My wife called the chiropractor, who told my wife to give me 2 aspirins and have me come see her in the morning. My step-son gave me a ride home because my wife didn't want me driving in that condition.

When I arrived at the chiropractor's office the next morning, she took me right in right away and checked my blood pressure. It was 250/150!!!!!!! She did couple of neck adjustments, re-checking my BP each time to see if it had lowered. But it was still 250/150. She said that it was kind of high. I asked her if it mattered if I went to work. She said that it was OK to go to work, so I did. I returned home thinking that everything was okay. My wife came home, we had supper but after my third bite, I fell to the floor, throwing up. That's the last thing I remember until five weeks later!

After hitting the floor, my wife called 911 and the ambulance took me to Baystate Medical Center in Springfield, Mass. They didn't know what was wrong. They kept me overnight and the next day put me in an ambulance to Lahey Clinic in Burlington, Mass. It was there that doctors did an MRI and discovered both my carotid arteries had been torn by the chiropractor's adjustments. I was immediately operated on and kept in a coma for 5 weeks. From there I was transferred to Rehabilitation Hospitals for three months of intensive therapy.

When I was finally released, I went home in a wheel chair, with a feeding tube not able to eat, deaf in my right ear and unable to communicate because of a paralyzed vocal cord. I was a shell of my former self...not even able to do the simplest tasks. My wife even had difficulty understanding me, I felt so alone and isolated.

It is now 8 years and several major operations later. Yet I am still in a wheel chair, partially deaf and have much difficulty speaking. I have lost all my independence since I am not able to go anywhere without assistance.

Had I been given a consent form to take with me, that not only explained that there is a risk of stroke but also informed me of stroke symptoms (like the severe headache, dizziness, nausea that I had), I would have known to get emergency medical treatment that could have prevented the disabilities that I am now forced to live with.

Since I didn't know, I returned to the chiropractor who did additional adjustments that only caused further damage and delayed the critical treatment which could have lessened the severity of the outcome. I can only wonder how different my life would be had I been given this information by the chiropractor.

Please pass PSB90, so others will have this vital information that can prevent delays in seeking treatment when stroke symptoms happen. Thank you.

AN ACT REQUIRING INFORMED CONSENT FOR CHIROPRACTIC TREATMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2009*) No licensee under the provisions of chapter 372 of the general statutes may perform any procedure, adjustment, manipulation or treatment on any person without first receiving written informed consent from such person for such procedure, adjustment, manipulation or treatment. For purposes of this section "informed consent" means permission given after a person has been informed of the reason for treatment, the nature of the proposed treatment, the advantages or disadvantages of the treatment, medically acceptable alternative treatment, a detailed listing of the risks associated with receiving the proposed treatment and the risk of no treatment. A copy of the informed consent shall be maintained with such person's medical records. A copy of the informed consent shall be provided to the person and shall include, but not be limited to, written notification of the risks, including but not limited to stroke, permanent disability or death and instructions upon the occurrence of medical conditions incident to those risks.

(b) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, establishing all necessary requirements for the provision of informed consent and the provision of documents incident thereto pursuant to subsection (a) of this section.

Sec. 2. Section 20-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The Board of Chiropractic Examiners may take any of the actions set forth in section 19a-17 for any of the following reasons: The employment of fraud or deception in obtaining a license, habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate the user for the performance of professional duties, violation of any provisions of this chapter or regulations adopted [hereunder] under this chapter, engaging in fraud or material deception in the course of professional services or activities, failure to obtain prior written informed consent for a procedure, manipulation, adjustment or treatment or failure to provide a copy of that informed consent to a person so treated, pursuant to section 1 of this act, physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process, illegal, incompetent or negligent conduct in the practice of chiropractic, or failure to maintain professional liability insurance or other indemnity against liability for professional malpractice as provided in subsection (a) of section 20-28b. Any practitioner against whom any of the foregoing grounds for action under said section 19a-17 are presented to said board shall be furnished with a copy of the complaint and shall have a hearing before said board. The hearing shall be conducted in accordance with the regulations established by the Commissioner of Public Health. Said board may, at any time within two years of such action, by a majority vote, rescind such action. The Commissioner of Public Health may order a license holder to submit to a reasonable physical or mental examination if [his] the license holder's physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17.